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| APPLICATION NO.      | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|----------------------|-------------|----------------------|-------------------------|------------------|
| 10/080,088           | 02/21/2002  | Verica Maras         | 0212.65818              | 8585             |
| 24978                | 7590        | 02/24/2004           | EXAMINER                |                  |
| GREER, BURNS & CRAIN |             |                      | LOPEZ, MICHELLE         |                  |
| 300 S WACKER DR      |             |                      | ART UNIT                | PAPER NUMBER     |
| 25TH FLOOR           |             |                      | 3721                    | S u              |
| CHICAGO, IL 60606    |             |                      | DATE MAILED: 02/24/2004 |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |  |                                   |
|------------------------------|--|-----------------------------------|
| <b>Office Action Summary</b> | <b>Application No.</b>                   | <b>Applicant(s)</b>               |
|                              | 10/080,088<br>Examiner<br>Michelle Lopez | MARAS, VERICA<br>Art Unit<br>3721 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 November 2003.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 19 and 20 is/are allowed.  
 6) Claim(s) 1-18 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 21 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)               |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ .  |

## **DETAILED ACTION**

1. This action is in response to the amendment filed on November 17, 2003.
2. New claims 19 and 20 have been added.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, it is not clear what is mean by the recitation: "partially defined by the at least one locking formation".

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bamberger'017 in view of Welch'578. Bamberger discloses the invention including a handpiece "10", a flexible power transmission shaft (see col. 4, lines 5-8), a locking formation "45" (see col. 3, lines 47-48), a housing "11", a working attachment "17" (col.4 lines 68-72), a

central throughbore (see Fig. 1), a locking actuator "48" radially biased with respect to "52" relative to the locking formation, a chamber "43", an attachment formation "12", an end cap "14" with a flared outer end at the rear end (see Fig. 1), and an end portion of the shaft extends past an outer end of the end cap (see Fig. 1). Bamberger does not disclose a spring that provides a biasing force for biasing the actuator out of engagement with the locking formation. However, Welch teaches a spring "242" for the purpose of providing a biasing force for biasing the actuator "238" out of engagement with the locking formation "234". In view of Welch, it would have been obvious to one having ordinary skill in the art to have provided Bamberger's invention with a spring in order to provide a biasing force for biasing the actuator out of engagement with the locking formation to thereby preventing operation of the tool while in the locking position.

So far claim 1 was understood, a biasing force via spring "52" is disposed in a chamber defined between the locking formation "45" and the rear end of "40".

Regarding claim 5, Bamberger does not specifically state that the actuator engages the housing approximately midway between the first and second ends. However, it would have been obvious to one having ordinary skill in the art to have modified Bamberger's invention to position an actuator midway between the first and second ends of the housing for the purpose of providing a user with a convenient, or desired, actuator position during the tool operation. Furthermore, it would have been obvious to one having ordinary skill in the art to have provided Bamberger's invention including an actuator engaging the housing approximately midway between the first and second ends of the housing instead of locating the actuator on the rear end of the housing as a matter of design choice, and as both configuration can perform the same function of providing a locking actuator for releasable engagement with the locking formation.

Regarding claim 7, Bamberger'017 does not specifically state that the gripping formation is at least one rib fence. However, Examiner takes Official Notice of the well-known act of using a rib fence as a gripping formation for the purpose of facilitating the location of the actuator to the operator. It would have been obvious to one having ordinary skill in the art to have provided Bamberger's invention including a rib fence as a gripping formation in order to facilitate the location of the actuator to the operator when the operator is concentrating on changing the working attachment.

Regarding claims 13-16, Bamberger'017 discloses the invention including a housing "11" with a central throughbore "16" for rotatably receiving a portion of a flexible shaft "18", an attachment formation "12", an endcap "14" with a flared outer end (see Fig.1), and a collet nut "66" that extends past an outer end of the end cap (see Fig. 1). Bamberger'017 does not specifically state that the attachment formation is configured to circumscribe at least a portion of the collet nut. However, it would have been obvious to one having ordinary skills in the art to have provided an attachment formation "12" configured to circumscribe at least a portion of the collet nut "66" as a matter of design choice, as both configurations can perform the same function of providing an attachment formation for the purpose of releasably receiving an endcap or others supplemental attachments.

***Allowable Subject Matter***

5. Claims 19 and 20 are allowed.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1 and 13 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### *Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Lopez whose telephone number is 703-305-8205. The examiner can normally be reached on Monday - Thursday: 8:00 am - 6:00 pm.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 703-308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

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10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



Rinaldi I. Rada  
Supervisory Patent Examiner  
Group 3700